

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT E. HILL,
and PATRICIA L. HILL,
Plaintiffs,

vs.
STATE FARM FIRE AND CASUALTY
COMPANY, MIKE DEVERS, et al.,
Defendants.

Case No. _____

AFFIDAVIT OF MICHAEL B. BEERS

STATE OF ALABAMA
COVINGTON COUNTY

BEFORE me, the undersigned authority, personally appeared Michael B. Beers, who,
being by me first duly sworn, deposes and says as follows:


1. My name is Michael B. Beers and I have personal knowledge of the facts contained in this affidavit.
2. I am the attorney of record representing Defendants State Farm Fire & Casualty Company and Mike Devers in the instant matter.
3. On January 9, 2006, a hearing was held before the Honorable Judge Charles Price on Defendants Mike Devers and State Farm Fire & Casualty Company's Motions to Dismiss as well as Defendants Motion to Plead Count Three with Particularity.
4. I attended the hearing as did Plaintiffs' counsel Chip Cleveland.
5. Prior to commencement of the hearing, Plaintiffs counsel and I agreed that we would move the court to dismiss Counts I, II, and IV (breach of contract, bad faith and negligence/wantonness) against Defendant Mike Devers.
6. By stipulation of the parties, in open court, the Court dismissed Counts I, II and IV against Defendant Devers and Plaintiffs' counsel was heard as to Count III, to which Judge Price ordered Plaintiff plead with particularity.



7. Judge Price announced that Defendant Devers would be dismissed from Counts I, II and IV; however, to date, I have not received his Order setting forth same.

8. I have requested an Order from Judge Price and will substitute said Order to illustrate his ruling as soon as practicable.

DONE this the 7th day of March, 2006.



Michael B. Beers

**STATE OF ALABAMA
COVINGTON COUNTY**

SWORN TO AND SUBSCRIBED before me this the 7th day of March, 2006.



NOTARY PUBLIC

My Commission Expires: 7/29/09